

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 348/2026

(Shri Kishor s/o Baburaoji Bhute Vs Shri Prashant S/o Pundalikrao Bhende)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. A. Bhandakkar, Advocate for petitioner.

CORAM: M. M. NERLIKAR, J.

DATED : 04/05/2026.

Heard.

2. The Trial Court has passed order at Exh. 13 on 11/03/2025 closing cross-examination due to absence of effective steps by the accused. Therefore, the petitioner filed an application for setting aside the no-cross order by filing revision. While setting aside the no-cross order, it appears from the impugned order that a cost of Rs. 10,000/- was imposed on the petitioner to be paid within one week.

3. It appears from the record that as the petitioner was not able to pay the cost, hence the petitioner filed the application to deposit the cost amount after about 1 month and 11 days. The respondent gave no objection to deposit the said amount, however, the Revisional Court rejected

the application by the impugned order dated 28/01/2026 stating that the order was very specific and clearly mentioned that failure to comply with any of the conditions will automatically result in the rejection of the revision petition.

4. The learned counsel for the petitioner submits that the Revisional Court has taken a hyper-technical view. No doubt, the petitioner was late in depositing the amount, however, in the interest of justice, the Revisional Court ought to have accepted the amount and ought to have permitted the petitioner to cross-examine the witness.

5. It appears from the record that the Court has rejected the application of the petitioner for deposit of the amount. No doubt, the order of depositing Rs. 10,000/- was passed on 04/12/2025, however, the petitioner was not able to deposit the amount within one week. Thereafter, on 15/01/2026, the petitioner moved an application for deposit of cost. However, for the above reason, the Revisional Court has rejected the application.

6. After going through the order, the petitioner is late in depositing the cost by 1 month and 11 days. However, the approach of the Revisional Court was too hyper-technical especially when the respondent has given no objection, for depositing the cost. The Revisional Court ought to have allowed the depositing cost, hence the following order:-

ORDER

- (I) The petition is partly allowed.
- (II) The order dated 28/01/2026, is set aside, however, the cost which was imposed by the Additional Sessions Judge, Court No. 1, Hinganghat, by an order dated 04/12/2025 of Rs.10,000/- is enhanced to Rs.15,000/-.
- (III) The cost be deposited within one week. In case of failure, this order be treated as cancelled.

(M. M. NERLIKAR, J.)